

REMARKS

Reconsideration of the first Office action and forwarding of the present application to allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Before responding to the Office action, applicants wish to point that claim 1 and 4 have been amended. Claim 1 now recites that the base unit, indicated at 20 in Fig. 1, is mountable on the ground and is provided for directing flow of a fluid from a source in a substantially vertical direction, wherein a fluid-deflection portion, such as indicated at 32, is configured to receive fluid from the base member and rebound the fluid to direct substantially all of it out of the bottom of the fluid-detection portion so that it is maintained aloft by fluid pressure. The claim also recites that there is a hoop portion, indicated at 34, which is rigidly connected to the fluid-detection portion. Claim 4 has been amended to recite that there are one or more arcuate transverse portions, such as indicated at 40 in Fig. 1. The transverse portions maintain the hoop portion substantially rigid, relative to fluid-deflection portion 32. This substantial rigidity is important in the operation of the device, and moreover, is not shown in the prior art of record.

In the Office action, claims 1 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Stanley (4,205,785). The examiner states that Stanley discloses a children's water toy comprising a base unit with an elbow portion, a nozzle portion 28 for directing a fluid in a vertical direction, a spraying unit 14 for receiving fluid from the base and a cone 25. The examiner has rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Stanley in view of Kessler (5,224,652). The examiner states that Stanley teaches all of the limitations of the claims except for a stake portion and a

collar portion, but notes that Kessler discloses a spraying unit with a stake 22 for holding the spray device at a fixed location, and a collar 18. The examiner concludes that it would have been obvious to one having ordinary skill in the art to have provided the device of Stanley with a stake portion and the collar portion as suggested by Kessler. Lastly, claims 4 and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Stanley in view of Ishikawa (1,854,613). In this last rejection, the examiner states that Stanley teaches all of the limitations of the claims except a hoop portion, but that Ishikawa discloses a spraying device with a hoop portion 15 with a two-way connector for spraying fluid.

In response, applicants submit that amended claim 1 is patentable over the prior art of record. As mentioned above, claim 1 has been amended to recite that a hoop portion is rigidly connected to fluid-deflection portion 32. This construction places the center of gravity of the entire fluid-deflection portion and hoop portion somewhere between the bottom plane of the fluid-deflection portion and the top plane of the hoop portion. This provides stability; for example, there is a high degree of stability due to the relative position of the center of gravity with respect to the center of lift, and an increased stability due to low cross-section and low wind loading.

There is no reference cited by the examiner which shows the features of amended claim 1, nor is there any combination of references which would result in applicants' construction. For example, in Stanley, as shown in Fig. 3B, a steep cone, indicated at 14, is provided with apertures 26, which serve as an impeller, so that when water strikes dome 25, it is directed toward apertures 26 of impeller 22, which causes the cone or "hat" to rotate. Different impeller designs are shown in Figs. 7A-C. Water is

directed outwardly through the apertures, and not downwardly through the bottom of the zone. As shown in Fig. 6C, a rim 84 suspended from the bottom of cone 82 is connected thereto by flexible connectors, such as string or other flexible filaments (see column 6, lines 62-65).

The examiner has contended that it would be obvious to provide a hoop, as shown in Ishikawa onto the device of Stanley because "Doing so would provide a way to maintain spraying around the hoop (Fig. 1)." However, in the spraying device disclosed in Ishikawa, as can be seen in Fig. 1 thereof, a circular pipe 15 is connected by means of wires 18 to a base 6. The hoop is always maintained rigid, relative to the base, and a hollow ball 23, which is maintained aloft by a jet of water, is not connected to pipe 15.

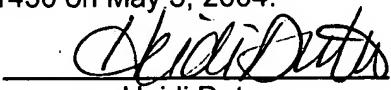
There is no disclosure in any single reference, or any combination of references of applicants' invention as embodied in amended claim 1, namely, wherein a fluid-deflection portion is maintained aloft and is connected to a hoop portion positioned therebeneath, whereby spray is directed substantially outwardly through the bottom of the fluid-deflection portion. The hoop provides for stability.

This construction provides increased stability due to rigidity of construction, and the play value is enhanced because a child can get "inside" of the spray.

For the reasons set forth above, it is submitted that all claims in the application are now in allowable condition, and applicants request that a notice of allowance be issued forthwith.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on May 5, 2004.



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